

# Notice of Allowability

Application No.

09/728,960

Examiner

Christopher R. Magee

Applicant(s)

OSTWALD ET AL.

Art Unit

2653

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/7/2004.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☒ The drawings filed on 04 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Response to Appeal Brief*

1. Applicant's arguments, see page 7 of Appeal Brief, filed 7/7/2004, with respect to Hug et al. (US 5,128,912) have been fully considered and are persuasive. The finality of the last Office Action has been withdrawn.
2. All relevant objections and rejections are withdrawn as being satisfied.

### *Reasons for Allowance*

3. Claims 1-22 are allowed.

The following is an examiner's statement of reasons for allowance:

This application is for a METHOD AND SYSTEM FOR ACCESSING MULTIPLE ROWS OF MEDIA OBJECTS IN AN AUTOMATED STORAGE LIBRARY USING A SINGLE TRACK.

- **Claim 1** specifies a storage library, which requires:

*"first and second horizontally arranged rows of media object storage cells arranged within the frame in a common plane" and "a horizontally arranged track attached to the frame and arranged in the common plane"*

Hug shows two horizontally arranged tracks 32, neither of which are attached to the frame 12. The tracks 32 are arranged in the space between two frames. As such, neither track is arranged in the common plane in which the rows of the frame are arranged as claimed in the present invention.

Therefore, these features, in combination with other features of claim 1, are not anticipated by, nor made obvious over, the closest prior art of record of Hug et al. (US 5,128,912).

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- **Claim 14** specifies a storage library, which requires:

*“first, second and third horizontally arranged parallel rows of media object storage cells arranged within the frame in a common plane” and “a first track attached to the frame and arranged in the common plane”; “second track attached to the frame and arranged in the common plane”; “a first robotic mechanism coupled to the first track for moving horizontally along the first track” and “a second robotic mechanism coupled to the second track for moving horizontally along the second track”*

Hug shows two horizontally arranged tracks 32, neither of which are attached to the frame 12. The tracks 32 are arranged in the space between two frames. As such, neither track is arranged in the common plane in which the rows of the frame are arranged as claimed in the present invention. The robotic mechanism 26 of Hug is coupled to two tracks 32 by a post 36. The robotic mechanism 26 is not coupled directly to the track as claimed in the present invention.

Therefore, these features, in combination with other features of claim 14, are not anticipated by, nor made obvious over, the closest prior art of record of Hug et al. (US 5,128,912).

- **Claim 15** specifies a robotic mechanism, which requires:

*“a carriage for coupling to a track attached to the frame, arranged in the common plane”*

The robotic mechanism 26 of Hug is coupled to two tracks 32 by a post 36. The robotic mechanism 26 is not coupled directly to the track as claimed in the present invention. The carriage of robotic mechanism 26 is coupled to the post 36.

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Therefore, these features, in combination with other features of claim 15, are not anticipated by, nor made obvious over, the closest prior art of record of Hug et al. (US 5,128,912).

- **Claim 17** specifies a method of operating a storage library robotic mechanism, which requires:

*“coupling a robotic mechanism to the track such that the robotic mechanism is attached to the frame for horizontal movement along the track”*

Hug shows two horizontally arranged tracks 32, neither of which are attached to the frame 12. The tracks 32 are arranged in the space between two frames. As such, neither track is arranged in the common plane in which the rows of the frame are arranged as claimed in the present invention

The robotic mechanism 26 of Hug is coupled to two tracks 32 by a post 36. The robotic mechanism 26 is not coupled directly to the track as claimed in the present invention. The carriage of robotic mechanism 26 is coupled to the post 36.

Therefore, these features, in combination with other features of claim 17, are not anticipated by, nor made obvious over, the closest prior art of record of Hug et al. (US 5,128,912).

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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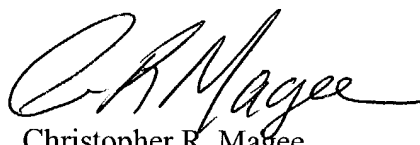
***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 15, 2004



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